

REMARKS

Claims 1-29 are pending in this application. Claims 1, 18-19 and 29 have been amended.

In the Office Action, claims 1-20, 24 and 29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by previously cited U.S. Patent 4,430,081 (Timmermans). Claims 21-23 and 25-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Timmermans. These rejections are respectfully traversed. Applicant hereby requests reconsideration and allowance of the claims in view of the following arguments.

Regarding the rejection of independent claims 1, 18, 19, and 29, these claims have been amended for clarity to recite that the inlet opening and the outlet opening of the port corpus are the only openings of the port corpus in communication with the chamber of the port corpus. These amendments are fully supported, for example, at Figs. 1(a)-3(e) of the present application, showing that the inlet opening 112 and the outlet opening 114 are the only openings of port corpus 110 in communication with chamber 160. No new matter has been added.

Timmermans does not disclose this feature of the amended claims, since Timmermans requires a port 45 in communication with its chamber 11, in addition to an inlet opening 71 and an outlet opening 72 (see Fig. 1 of Timmermans). As explained at col. 2:54-57 of Timmermans, port 45 is used to introduce fluids into the patient's blood vessel.

Thus, Timmermans does not anticipate amended claims 1, 18, 19, and 29, because it does not disclose each and every element of those claims. Furthermore, it would not have been obvious to modify Timmermans (e.g., to eliminate port 45) to yield the claimed invention, because doing so would render Timmermans' invention unsuitable for its stated purpose of

introducing a catheter into a blood vessel via inlet cap 17 and passage 11, while introducing fluids into the blood vessel via port 45 (see col. 3:48-59).

Consequently, claims 1, 18, 19, and 29 are patentable, as are claims 2-17 and 20-27, which depend from claims 1, 18, and 19, respectively.

Regarding the obviousness rejection of independent claim 28 based on Timmermans, it would not have been obvious to implant Timmermans' cannula under the skin of a rodent, as claimed, because *Timmermans does not teach implanting its cannula under the skin of a human or an animal*. In the Office Action, the Examiner contends Timmermans teaches the steps of claim 28 for a human subject, and focuses on whether it would have been obvious to implant Timmermans' device into a rodent rather than a human. However, the Examiner is incorrectly characterizing Timmermans' disclosure. Timmermans' cannula 10 is not taught to be implanted, as contended by the Examiner, but rather to be used *outside* the body of a patient (specifically, taped in position on the body of the patient). See, Fig. 4 and col. 3:21-35 and 48-59 of Timmermans. Timmermans' cannula 10 even has a projection 47 from its port 45 to allow connection of a fluid line 46, which one skilled in the art would know would effectively prevent cannula 10 from being implanted in a body.

Thus, Timmermans teaches away from the claimed method steps of implanting a subcutaneous port. In particular, Timmermans does not teach or even suggest claim 28's steps of inserting a subcutaneous port beneath the skin with a septum borne by the elongate subcutaneous port being disposed adjacent the base of the tail; and positioning a distal end of a catheter borne by the elongate subcutaneous port at a predetermined site within the animal.

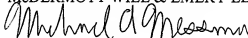
Consequently, claim 28 is patentable.

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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